

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

FERMIN SOLIS ANIEL and ERLINDA
ABIBAS ANIEL,

Plaintiffs,

v.

AURORA LOAN SERVICES LLC, et al.,

Defendants.

No. C 10-01042 JSW

**ORDER REQUIRING
SUPPLEMENTAL BRIEFING**

In its reply brief, Aurora raises a new argument that Plaintiffs now lack standing to bring the claims that remain in this case because Plaintiffs' bankruptcy proceedings have been converted from proceedings brought under Chapter 11 to proceedings brought under Chapter 7 of the United States Bankruptcy Code and, thus, because the claims have not been abandoned or qualified for an exemption, only the Trustee has standing to pursue the claims. The Court HEREBY ORDERS Plaintiffs to file a supplemental brief, not to exceed five (5) pages, that addresses this limited argument.

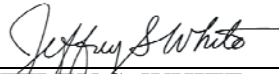
Plaintiffs' supplemental brief shall be due by no later than 10:00 a.m. Tuesday, October 12, 2010. The Court shall not permit a further response from Aurora. The hearing on the motions to dismiss remains on calendar on October 15, 2010, unless otherwise ordered by the Court.

In its Supplemental Request for Judicial Notice, Aurora submits Plaintiffs' Form 7 Statement of Financial Affairs, filed in the Bankruptcy Proceeding, which does not include a reference to this lawsuit. Accordingly, it is FURTHER ORDERED that Plaintiffs are directed

1 to serve a copy of this Order on the Bankruptcy Trustee by no later than October 8, 2010, and
2 shall file proof of such service with this Court.

3
4 **IT IS SO ORDERED.**

5 Dated: October 4, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

FERMIN SOLIS ANIEL et al,

Plaintiff,

v.

AURORA LOAN SERVICES LLC et al,

Defendant.

Case Number: CV10-01042 JSW

CERTIFICATE OF SERVICE


I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 4, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Erlinda Abibas Aniel
75 Tobin Clark Drive
Hillsborough, CA 94010

Fermin Solis Aniel
75 Tobin Clark Drive
Hillsborough, CA 94010

Dated: October 4, 2010


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk